

Introduced by Senator Huff

February 3, 2011

An act to amend ~~Section 48352~~ *Sections 48352 and 48354* of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Huff. School districts: Open Enrollment Act.

Existing law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend ~~another school in the district of residence or~~ a school in a school district other than the school district in which the parent of the pupil resides. *Existing law requires that applications for transfer be submitted by the parent of a pupil to the school district of enrollment prior to January 1 of the school year preceding the school year for which the pupil is requesting to transfer.* A school district may adopt specific, written standards for acceptance and rejection of applications made pursuant to the act. The standards may include consideration of the capacity of a program, class, grade level, school building, or adverse financial impact. The standards are prohibited from including consideration of a pupil's previous academic achievement, physical condition, proficiency in the English language, family income, disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other specified individual characteristics. Existing law encourages school districts to keep an accounting of requests for alternative attendance made pursuant to the act.

~~This bill would make technical, nonsubstantive changes to the definitions of terms used in the act.~~

This bill would redefine a “low-achieving school” as an “open enrollment school.” The bill would change the application deadline from January 1 to January 5 of the school year preceding the school year for which the pupil is requesting to transfer.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48352 of the Education Code is amended
2 to read:
3 48352. For purposes of this article, the following definitions
4 apply:
5 (a) ~~“Low-achieving school”~~ “Open enrollment school” means
6 a school identified by the Superintendent pursuant to the following:
7 (1) Excluding the schools, and taking into account the impact
8 of the criteria in paragraph (2), the Superintendent annually shall
9 create a list of 1,000 schools ranked by increasing API with the
10 same ratio of elementary, middle, and high schools as existed in
11 decile 1 in the 2008–09 school year.
12 (2) In constructing the list of 1,000 schools each year, the
13 Superintendent shall ensure each of the following:
14 (A) A local educational agency shall not have more than 10
15 percent of its schools on the list. If the number of schools in a local
16 educational agency is not evenly divisible by 10, the Superintendent
17 shall round up to the next whole number of schools.
18 (B) Court, community, or community day schools shall not be
19 included on the list.
20 (C) Charter schools shall not be included on the list.
21 (b) “Parent” means the natural or adoptive parent or guardian
22 of a dependent child.
23 (c) “School district of enrollment” means a school district other
24 than the school district in which the parent of a pupil resides, but
25 in which the parent of the pupil nevertheless intends to enroll the
26 pupil pursuant to this article.
27 (d) “School district of residence” means a school district in
28 which the parent of a pupil resides and in which the pupil would
29 otherwise be required to enroll pursuant to Section 48200.
30 SEC. 2. Section 48354 of the Education Code is amended to
31 read:

1 48354. (a) The parent of a pupil enrolled in a ~~low-achieving~~
2 *an open enrollment* school may submit an application for the pupil
3 to attend a school in a school district of enrollment pursuant to this
4 article.

5 (b) (1) Consistent with the requirements of Section
6 1116(b)(1)(E) of the federal Elementary and Secondary Education
7 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first
8 day of the school year, or, if later, on the date the notice of program
9 improvement, corrective action, or restructuring status is required
10 to be provided under federal law the district of residence shall
11 provide the parents and guardians of all pupils enrolled in a school
12 determined in subdivision (a) of Section 48352 with notice of the
13 option to transfer to another public school served by the school
14 district of residence or another school district.

15 (2) An application requesting a transfer pursuant to this article
16 shall be submitted by the parent of a pupil to the school district of
17 enrollment prior to January 4 5 of the school year preceding the
18 school year for which the pupil is requesting to transfer. The school
19 district of enrollment may waive the deadline specified in this
20 paragraph.

21 (3) The application deadline specified in paragraph (2) does not
22 apply to an application requesting a transfer if the parent, with
23 whom the pupil resides, is enlisted in the military and was relocated
24 by the military within 90 days prior to submitting the application.

25 (4) The application may request enrollment of the pupil in a
26 specific school or program within the school district of enrollment.

27 (5) A pupil may enroll in a school in the school district of
28 enrollment in the school year immediately following the approval
29 of his or her application.

30 (6) In order to provide priority enrollment opportunities for
31 pupils residing in the school district, a school district of enrollment
32 shall establish a period of time for resident pupil enrollment prior
33 to accepting transfer applications pursuant to this article.